

Electronic Filing
ECF 1:07-cv-06915

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X
TRAVELERS CASUALTY AND SURETY COMPANY,
etc.,

07-CV-6915-DLC

Plaintiff,

- - against - -

DORMITORY AUTHORITY - STATE OF NEW YORK,
et al.,

Answer
to
Cross-Claim

Defendants.
-----X

DORMITORY AUTHORITY OF THE STATE OF
NEW YORK, et ano.,

Third-Party Plaintiffs,

- - against - -

TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.
-----X

TRATAROS CONSTRUCTION INC. and TRAVELERS
CASUALTY AND SURETY COMPANY,

Fourth-Party Plaintiffs,

- - against - -

CAROLINA CASUALTY INSURANCE COMPANY,
et al.,

Fourth-Party Defendants.
-----X

Carolina Casualty Insurance Company ("Carolina") answers the cross-claims set forth in the January 14, 2008, answering pleading of **Zurich American Insurance Company** ("Zurich") as follows:

Zurich's cross-claim against "Fourth-Party Defendants" (plural) fails to state any claim against Fourth-Party Defendant Carolina upon which relief can be granted. Zurich does not (and could not honestly) allege that Zurich qualifies as a claimant under the surety bond Carolina issued as surety for Crocetti, or that Zurich complied with the notice and time-of-suit and other conditions precedent set forth in that bond. Nor does Zurich allege any basis at all for its claim for any "contribution" by Carolina or for assessing any "proportionate" share of any recovery against Carolina.

Wherefore Zurich's cross-claim should be dismissed as against Carolina.

Dated: New York, NY
February 5, 2008

For Fourth-Party Defendant
Carolina Casualty
Insurance Company

ZICHELLO & McINTYRE, LLP

By: /s/ Vincent J. Zichello
Vincent J. Zichello (VZ-3487)
Office & P.O. Address
420 Lexington Avenue
New York, New York 10170
Tel. 212-972-5560
E-mail zimc@msn.com

- - and - -

TORRE, LENTZ, GAMELL, GARY
& RITTMASER, LLP

By: /s/
Robert Mark Wasko (RW-7811)
226 West 26th Street
New York, New York 10001
Tel. 516-240-8900
E-mail rwasko@tlggr.com